

The Office has characterized the inventions of Groups I-III as unrelated. Citing MPEP §806.04 and MPEP §808.01, the Office concludes that “the different inventions are three methods of producing dipeptides, said methods having different methods of operation and are not disclosed as capable of use together.” However, Applicants note that the Office has merely stated its conclusion, which is simply a restatement of the test for relatedness. At no point has the Office provided any reasons and/or examples to support this assertion. Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Applicants respectfully submit that the Restriction Requirement should be withdrawn.

Applicants respectfully traverse on the grounds that the Office has not shown that a burden exists in searching the entire application.

Further, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Stephen G. Baxter, Ph.D.
Registration No. 32,884

Vincent K. Shier, Ph.D.
Registration No. 50,552

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/03)